

act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places ;" approved April 30th, 1874 ; approved January 21st, 1875.

House bill No. 287, "An act to create the county of Crockett, and to establish the boundaries thereof ;" approved January 22d, 1875.

House joint resolution No. 49, "Joint resolution providing for lighting the Capitol and the mansion with gas ;" approved January 22d, 1875.

House bill No. 535, "An act to incorporate the Waxahachie Tap Railroad, and to facilitate the building thereof ;" approved January 25th, 1875.

House bill No. 562, "An act prescribing the place for the sale of property under legal process and deeds of trust in Marion county ;" approved January 25th, 1875.

House bill No. 597, "An act to amend 'an act to create the county of Waller, passed April, 28th, 1873,' and to better define the boundary between Grimes and Waller counties ;" approved January 25th, 1875.

House bill, No. 609; "An act to authorize the Secretary of State to employ an additional clerk or clerks, and to make an appropriation to pay the same ;" approved January 25th, 1875.

Senate bill No. 207, "An act to provide for the disposal of certain lands belonging the State of Texas, known as the Indian Reservations ;" approved January 25th, 1875.

Senate bill No. 460, "An act making an appropriation to defray the contingent expenses of the second session of the Fourteenth Legislature ;" became a law without the Governor's approval.

Senate bill No. 473, "An act to amend an act entitled 'an act to organize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and to fix the times for holding the courts therein, approved April the 17th, A. D. 1874 ;" approved January 25th, 1875.

On motion of Senator Erath, the Senate adjourned until 10 o'clock, A. M. to-morrow.

SIXTEENTH DAY.

SENATE CHAMBER,
AUSTIN, January 29, 1875.

Senate met pursuant to adjournment ; roll called ; quorum present. Prayer by the Rev. Mr. Johnson, of

Grimes county. Journal of yesterday read and adopted.

Senator Ireland, Chairman Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 587, "An act to amend article 612a of the Penal Code," and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to the Senate, Senate bill No. 568, "An act to amend section 712 of the Penal Code," and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, ask leave to report back to the Senate, Senate bill No. 536, "An act for the relief of Grady Montgomery," and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back the Senate, Senate bill No. 567, "An act to regulate the rate of interest," and recommend that it do not pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to the Senate, Senate bill No. 569, "An act to fix the time of holding courts in the Sixth Judicial District," and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to the Senate, Senate bill No. 572, "An act supplemental to and amendatory of an act to organize the courts of justices of the peace, and county courts, and to define their jurisdiction and duties," and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 574, "An act requiring judicial notice to be

taken of certain private laws," instruct me to report the same back with amendments.

Strike out the words "railroad charters", and insert in lieu thereof the words "special and private laws," and to recommend the passage of said bill as amended.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate the petition of the bar of Tarrant county, "petitioning the Legislature to detach the county of Tarrant from the Fourteenth Judicial District, and attach it to the Thirteenth," and recommend that the prayer of the bar be granted.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate Bill No. 31, "An act to amend the fourth section of 'an act better defining the marital rights of parties,' passed March 13th, 1848," respectfully report the same back with the following amendment: Amend first clause of first section by striking out the words "family of the husband and wife," and insert the words "the wife or her children;" and amend further, by striking out the words "the husband and," and recommend that the same as amended do pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 559, "An act to amend section one of 'an act directing the publication of the expenditures, assets and indebtedness of the several counties,'" approved March 8, 1873, and recommend its passage.

JOHN IRELAND, Chairman.

Senator Westfall, Chairman Committee on Education, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Education, to whom was referred House bill No. 537, "An act making an appropriation to complete the buildings and inclosures of the Agricultural and Mechanical College of Texas," have considered the same, and a majority of said committee instruct me to

report said bill back to your honorable body, and recommend its passage. W. H. WESTFALL, Chairman.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Enrolled Bills ask leave to report, that they have carefully examined and find correctly enrolled Senate bill No. 468, "An act to amend an act entitled, 'an act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company,' " and have this 28th day of January, at 12 o'clock M., presented the same to the Governor for his approval. WM. H. WESTFALL, for Committee.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 488, "An act to encourage the construction of a canal from or near the Marble Falls, on the Colorado river, to the city of Austin." Also, Senate bill No. 571, "An act amendatory of 'an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association,' " and find both of the same correctly engrossed. SETH SHEPARD, for Committee.

Senator Wood introduced a bill, entitled, "An act to prohibit the Commissioners of the General Land Office from giving certified copies in certain cases." Read first time and referred to Judiciary Committee.

Senator Baker, Chairman Finance Committee, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 521, "An act to amend sections one and two of 'an act regulating taxation,' " approved June 3, 1873, have duly considered the same, and recommend that it do not pass. W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Finance Committee, to whom was referred Senate bill No. 542, "An act to amend the third section of 'an

act to regulate taxation," approved June 3, 1873, have considered the same and recommend that it do not pass.

W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred the memorial of the citizens of Fort Bend county, "asking that the State taxes for that county, for the year 1875, be granted them for the purpose of building a jail," have considered the same, and recommend that the petition be not granted.

W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 565, "An act for the relief of W. H. Coleman," have considered the same, and recommend that it be passed.

W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill, No. 507, "An act to require the sheriffs to settle State and county taxes on the 1st of May of each year," have instructed me to report the same back, and recommend that it do not pass.

W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred the memorial of citizens of Kaufman county, "asking that certain sums of money overpaid by R. B. Shaw, late sheriff, to the county court of Kaufman county, be refunded," have investigated the facts, and have instructed me to report the accompanying bill, and ask that it be passed.

W. R. BAKER, Chairman.

The title of the bill referred to is : "An act for the relief of R. B. Shaw."

Senator Friend offered the following resolution :

Resolved, That the Secretary of the Senate be and is hereby instructed to make out and deliver to the officers of the Senate, certificates of pay for mileage, in accordance with the act making an appropriation for mileage and *per diem*, passed at the present session. Read and referred to Judiciary Committee.

Senator Bradshaw introduced a bill entitled "An act to establish, organize and define the powers of the Criminal

District Court in and for the cities of Fort Worth, Waxahachie and Cleburne." Read first time and referred to Judiciary Committee.

Senator Dillard introduced a bill entitled "An act making an appropriation to pay J. W. Ferris for his services as special judge in the case wherein the International Railroad was plaintiff, and A. Bledsoe defendant." Read first time and referred to Judiciary Committee.

On motion of Senator Westfall, the rules were suspended, and Senate bill No. 504, "An act supplemental to an act to incorporate the Austin and Pacific Railroad Company," was taken up, and read second time, pending the report of committee recommending amendments.

The amendments recommended by the committee were adopted.

Senator Westfall offered the following amendment: Amend by striking out all of section one, after the word "dollars," in line 54. Adopted.

Senator Westfall offered the following amendment: "*Provided*, the aforesaid towns shall furnish, free of charge, to the railroad company, the necessary grounds for depot purposes, turnouts, switches, etc., together with the right of way through said towns" Adopted.

The bill as amended, was then ordered engrossed.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed.

On motion of Senator Ireland, the rules were suspended, and Senate bill No. 572, "An act supplemental to and amendatory of 'an act to organize courts of justices of the peace, and county courts, and to define their jurisdiction and duties,' approved August 13, 1870, was taken up and read second time.

Senator Shepard offered the following amendment: "*Provided*, that this act shall not apply to the counties of Washington, Ellis and Hunt." Lost.

Senator Craven offered the following amendment: "*Provided*, this act shall not apply to the counties of Grayson, Cook and Montague." Lost.

The bill then failed to be engrossed by the following vote:

YEAS—Senators Allison, Bradley, Dillard, Dwyer, Ellis, Erath, Friend, Ireland, Moore, Parker, Russell, Swift and Wood—13.

NAYS—Senators Ball, Baker, Bradshaw, Burton, Camp,

Culberson, Craven, Flanagan, Hobby, Joseph, Ledbetter, Morris, Randle, Shepard, Stirman and Westfall—16.

Senator Davenport introduced a bill entitled "An act to define who may be proper defendant in suits for land in certain cases." Read first time and referred to Judiciary Committee.

The hour having arrived for the consideration of the special order, to-wit: the substitute offered by Senator Dwyer on yesterday, entitled "An act to limit the amount to be issued in bonds to the International Railroad Company;" it was taken up and read second time.

Senator Culberson offered the following amendment:

Strike out all between the words "and," in eighth line, section two, and "from" in ninth line, same section, and insert the following: "on the road already constructed, shall bear interest from the first day of January, 1875, and the road to be hereafter constructed, they shall bear interest."

Senator Shepard moved to reconsider the vote by which the Senate adopted on yesterday the substitute offered by Senator Dwyer.

The President decided that the amendment offered by Senator Culberson was first in order, and when that was disposed of, then the motion, made by Senator Shepard, would be in order.

Senator Shepard appealed from the decision of the chair.

The Senate refused to sustain the decision of the chair by the following vote:

YEAS—Senators Ball, Burton, Culberson, Dwyer, Flanagan, Joseph, Morris, Moore, Randle, Stirman and Swift—11.

NAYS—Senators Allison, Baker, Bradshaw, Bradley, Camp, Craven, Dillard, Davenport, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Parker, Russell, Shepard, Westfall and Wood—19.

The question then recurring on the motion to reconsider, it was lost by the following vote:

YEAS—Senators Allison, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Shepard and Wood—12.

NAYS—Senators Ball, Baker, Burton, Camp, Culberson, Craven, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—18.

The question then recurring on the adoption of the

amendment offered by Senator Culberson, it was adopted.

Senator Camp offered the following amendment: Amend section 1, line 16, after the word "act," by adding the words "and the whole amount of bonds to be issued to said company for the construction of said road under their original charter, between the said city of Jefferson, and the said city of San Antonio, shall not in any case exceed the sum of three millions of dollars."

Senator Wood offered the following as an amendment to the amendment: Amend the amendment by striking out "three millions," and insert instead thereof, the sum of "two million five hundred thousand."

The amendment to the amendment was lost by the following vote:

YEAS—Senator Wood—1.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Culberson, Craven, Dillard, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell, Shepard, Stirman, Swift and Westfall—29.

On motion of Senator Ireland, Senator Ledbetter was granted leave of absence for one week from to-morrow.

Senator Russell moved to adjourn until 10 o'clock to-morrow. Lost.

Senator Ellis offered the following as an amendment to the amendment offered by Senator Camp:

Provided, That said bonds shall not be issued and delivered to said company under the provisions of this act, until said International Railroad Company shall have established the constitutionality of the original charter of said road, and their right to bonds there under—in the courts of the State; and for this purpose, authority is hereby granted the incorporators or other legal representatives of said International Railroad Company to institute their suit in the district court in and for Galveston county, which suit shall be governed in all respects by the rules of practice, pleading and evidence, as in other courts—and from the judgment which may be rendered in said cause by said district court, either party to said suit shall have the right to appeal to the Supreme Court of the State—said appeal to be conducted in all respects as other appeals; *provided*, the State shall not be required to enter into any

appeal bond in said proceeding. Lost by the following vote:

YEAS—Senators Dillard, Ellis, Erath, Ireland, Russell, Shepard and Wood—7.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Camp, Culberson, Craven, Davenport, Dwyer, Flanagan, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Stirman, Swift and Westfall—23.

Senator Russell offered a substitute for the amendment offered by Senator Camp, and sections one and two of the bill under consideration.

On motion of Senator Hobby, the Senate adjourned until 10 o'clock A. M. to-morrow.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, January 30, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Wood, the reading of the journal of yesterday was dispensed with.

Senator Bradshaw rose to a question of privilege in relation to an article that appeared in the *Houston TELEGRAPH*, of the 29th inst., regarding his position on the International bond question. He stated that the author of it was either a fool or a public slanderer, and no more fit to conduct the columns of a Democratic newspaper, than any convict in the State prison.

Senator Friend, for Committee on Engrossed bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 484, "An act to amend section twenty-eight of an act entitled 'an act to regulate the assessment and collection of taxes,'" passed May 31st, 1873. Also, Senate bill No. 573, "An act to legalize and make valid certain process issued from the district court of Hunt county." Also, Senate bill No. 491, "An act to reorganize the Fourth and Fifth Judicial Dis-